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Chrono

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3 July 1986

MEMORANDUM FOR: C/ALD/OGC
C/ICAD/OGC
P&PB/PPG/OS
EO/DDS&T

FROM: Legislation Division
Office of Congressional Affairs

STAT

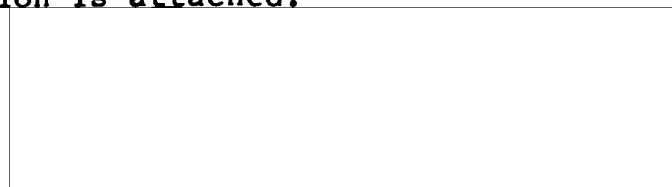
SUBJECT: Congressional Action on Polygraph Authority for
DoD Special Programs

1. On June 26, 1986, the Senate completed action on H.R. 4515, the Supplemental Appropriations Act for Fiscal Year 1986. The President signed the measure into law on July 2, 1986--Public Law No. 99-349.

2. The bill contains a provision exempting from the ceiling otherwise imposed on the number of polygraph examinations administered by the Department of Defense to its employees during Fiscal Year 1986 those examinations administered to persons employed in certain specialized joint DoD/CIA intelligence programs.

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3. A copy of this provision is attached.



Attachment

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OCA/LEGISLATION: (3 July 1986)

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June 28, 1986.

CONGRESSIONAL RECORD — SENATE

S 8595

(b) 120mm MORTAR.—Of the funds appropriated in the Department of Defense Appropriations Act, 1986, for procurement of the 120mm mortar, obligations and expenditures may be incurred only in accordance with the requirements set forth in House Report 99-239 and Section 8095 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190); and

(d) M72E4 LAWYERBOMB: MULTIPURPOSE WEAPON.—From the funds appropriated in the Department of Defense Appropriations Act, 1986, the Army shall complete development and operational testing of the M72E4, type classify the weapon, and acquire a technical data package.

SEC. 6. TEMPORARY WAIVER ON POLYGRAPH EXAMINATION LIMITATIONS.

In computing the number of counterintelligence polygraph examinations that may be conducted during fiscal year 1986 under section 1221 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 1261), there may be excluded from such computation any polygraph examination conducted during the period beginning on the date of the enactment of this Act and ending on September 30, 1986, if such examination—

(1) is conducted by the Air Force under an authorization granted by the Secretary of Defense on November 24, 1981; or

(2) is conducted under an authorization granted by the Secretary of Defense on August 21, 1982, and is conducted on a person who is participating in a national program—

(A) which has as its purpose the collection of specialized intelligence through reconnaissance;

(B) which is under the purview of the Director of Central Intelligence; and

(C) for which a polygraph examination was established on or before October 1, 1985, as a condition for participation in such program.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 87 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

For an additional amount, for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, \$25,000,000, to remain available until expended.

Using available funds authorized by section 8 of the Flood Control Act approved August 18, 1941, as amended, the Secretary of the Army shall, in consultation with State officials of the Great Lakes region, develop emergency contingency plans to prevent or control near term flooding along the Great Lakes. The Secretary shall report to Congress within sixty days after the date of enactment of this Act on the contingency plans. The Secretary is authorized to spend up to \$1,000,000 for the purposes of this provision.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 95 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: In title II of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), subject to the notification process of the Committees on Appropriations

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 98 to the aforesaid bill,

and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: or the equivalent amount in local currencies, may

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 97 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

Notwithstanding any limitations on assistance to Haiti contained in Public Law 98-473 or Public Law 99-83, funds in the amount of \$750,000 previously appropriated for the purposes of chapter 2 of part II of the Foreign Assistance Act of 1981, as amended, may be made available for Haiti to carry out such purposes: Provided, That none of the funds made available pursuant to this paragraph may be made available for obligation unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: Provided further, That the funds provided under this paragraph shall be made available only to provide nonlethal military assistance for Haiti.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 98 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SPECIAL ASSISTANCE TO THE PHILIPPINES ECONOMIC SUPPORT FUNDS

For an additional amount for the "Economic Support Fund", \$100,000,000, to remain available until March 31, 1987: Provided, That this amount shall be available only for the Philippines: Provided further, That none of these funds may be available for obligation unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance.

MILITARY ASSISTANCE

For an additional amount for "Military Assistance", \$50,000,000, to remain available until March 31, 1987: Provided, That this amount shall be available only for the Philippines: Provided further, That none of these funds may be available for obligation unless the Appropriations Committees of both House of Congress are previously notified fifteen days in advance.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 101 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING (RESCISSION)

Of the amounts of budget authority that become available during fiscal year 1986 as a result of the forgiving, pursuant to section 4(c)(1) of the United States Housing Act of 1937, as amended, of any loan made pursuant to section 4(a) of such Act, not less than \$5,250,000,000 of budget authority (and such amounts of contract authority as correspond to the amounts of budget authority) are rescinded.

Of the amounts of budget authority that become available during fiscal year 1987 as a result of the forgiving, pursuant to section 4(c)(1) of the United States Housing Act of 1937, as amended, of any loan made pursuant to section 4(a) of such Act, \$6,642,000,000 of budget authority (and such amounts of contract authority as correspond to the amounts of budget author-

ity) are rescinded on or after October 1, 1986 and before September 30, 1987.

RENT SUPPLEMENT PROGRAM (RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701a), is reduced in fiscal year 1986 by not more than \$41,390,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

RENTAL HOUSING ASSISTANCE (RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1), is further reduced in fiscal year 1986 by not more than \$10,128,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 107 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

CONSTRUCTION GRANTS

Of the funds appropriated in section 119 of Public Law 99-190 for necessary expenses to carry out title II of the Federal Water Pollution Control Act, an additional \$1,200,000,000 is hereby made available: Provided, That the allocation of the \$1,200,000,000 made available by this paragraph shall be in accordance with the formula in effect on October 1, 1984.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 108 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Space flight, control and data communications", \$431,000,000, to remain available until September 30, 1987: Provided, That, upon enactment into law of this Act, \$5,000,000 shall be transferred to "Research and development": Provided further, That \$100,000,000, to remain available until September 30, 1988, is appropriated for fiscal year 1987 for "Space flight, control and data communications", and shall not become available for obligation until October 1, 1988: Provided further, That funds appropriated for fiscal year 1987 in the previous proviso may not be obligated until the Administrator of NASA has certified that the recommendations of the Rogers Commission have been implemented or are being implemented, or that an alternative approach satisfies the direction of the recommendation.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 109 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: not less than \$25,000,000 nor more than

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 111 to the aforesaid bill, and concur therein with an amendment as follows: